

REMARKS

Claims 7-9 and 21-36 are pending as of the Action mailed on October 23, 2007. In response to this Action, claims 7, 30, and 36 have been amended. Claim 29 has been cancelled. New claims 37-42 have been added.

Reexamination and reconsideration of the Action are requested in light of the foregoing amendments and following remarks.

Claim Amendments

Claim 7 has been amended to add the limitations of "providing suction within the nozzle to move debris through the bottom end of the nozzle and away from the target; and flowing a gas through or substantially across the window." These limitations are supported by the specification, e.g., at p. 7, lines 26-32 and p. 8, lines 16-21, and at, e.g., p. 7, lines 3-4.

Claim 30 has been amended in light of the amendments to claim 7.

Claim 36 has been amended to correct a typographical error (introduction of a comma).

Applicants respectfully request the Examiner to enter these amendments.

Section 112

Claim 7 has also been amended to correct for the lack of antecedent basis. Applicants respectfully request the Examiner to enter this amendment.

Section 103

Claims 7-9, 30-34 and 36 have been rejected under 25 U.S.C §103 as being allegedly obvious over Applicant's Admitted Prior Art (AAPA) in view of JP401062294A, JP411277288A, and JP402290689A.

Claim 7

Claim 7 has been amended to recite the limitations of "providing suction within the nozzle to move debris through the bottom end of the nozzle and away from the target; and

flowing a gas through or substantially across the window.” None of the cited references, nor the AAPR teach or suggest both providing suction *and* flowing gas in the manner claimed.

For example, while JP402290689A teaches the use of vacuum chamber 3, this assembly is vastly different than that of the application for at least the reason that it lacks a nozzle. This reference therefore lacks any teaching or suggestion of providing suction *within* a nozzle. Regarding the teachings of JP401062294A, even assuming, *arguendo*, that gas feeding part 4 or 14 directs gas *near* lens 13, it is questionable whether this gas flow is “substantially across” the lens in the manner described in the application. Consider, for example, Fig. 3 of the application, showing gas 346 being bordered by window 322. Thus, the gas will flow substantially across the window. Regardless, neither JP401062294A nor the other cited references teach or suggest *both* the limitations added to currently amended claim 7.

Applicants submit that claim 7 is in condition of allowance for at least these reasons, and urge the Examiner to enter these amendments and pass claim 7 to allowance.

Claim 30

Claim 30 has been rejected under §103(a) in light of JP401062294A. The Examiner states that this reference “shows gas flow upward and out through the lens aperture.” Claim 30 depends from claim 7, which currently contains the added limitations described above. While the abstract of JP401062294A reads “the gas being flowed one-sidedly to the laser light outgoing condensing lens 13 . . .” it does not teach or suggest gas flowing from or near item 5, that is, the bottom end of the nozzle, because the gas enters from gas feeding parts 4 or 14. Thus, applicants submit that claim 30, which depends from claim 7, is in condition of allowance.

Claim 34

Claim 34 has been rejected under §103(a) as being unpatentable under the references applied to claim 7, above, and further in view of U.S. Pat. No. 4,467,171 (“Ramos”). Claim 34 depends from claim 7 and reads, in pertinent part, “creating a gas flow through a plurality of vacuum channels” The cited references, including Ramos, do not teach or suggest the use of vacuum to move gas. For at least this reason, applicants submit that claim 34 is now in condition of allowance.

Claims 8-9, 31-33, and 36

The remaining rejections to claims 8-9, 31-33, and 36 are based on teaching of AAPA and JP401062294A, JP411277288A, and JP402290689A, in light of several additional references. These dependent claims include the limitations of claim 7. As explained above, none of the cited references teach or suggest these limitations, namely of "providing suction within the nozzle to move debris through the bottom end of the nozzle and away from the target; and flowing a gas through or substantially across the window." A dependent claim is neither anticipated nor rendered obvious if the independent claim from which it depends is allowable, because all the limitations of the independent claim are contained in the corresponding dependent claim. *Hartness Int'l Inc. v. Simplimatic Eng'g Co.*, 819 F.2d 1100, 1108 (Fed. Cir. 1987). Accordingly, applicants request the Examiner to withdraw rejections to all remaining dependent claims, and pass these claims to allowance.

Conclusion

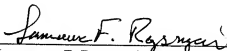
For at least the foregoing reasons, the applicants submit that all claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

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Respectfully submitted,

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